IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 18614 of 2004

Between:

Nandigam Sita Rama Thilak, S/o. Nageswara Rao,
R/o. Kalarayanigudem, Lingapalem Mandal, W.G.District.

... PETITIONER

AND

1 The District Collector, W.G.District Eluru.
2 The Revenue Divisional Officer, Eluru, W.G.District.
3 The Mandal Revenue Officer, Lingapalem Mandal, W.G.District.
4 The District Forest Officer, W.G.District, Eluru.
5 The Superintending Engineer, (Operation), A.P. Electrical Power Distribution

Co.Ltd, Gajjalavari Cheruvu, Wluru, W.G.District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of Mandamus or any other appropriate writ, order or direction declaring the proceedings of the 2nd respondent inR.O.C.No.1164/2004(A) dt. 17.9.2004 and the action of the 5th respondent in taking steps to disconnect the electricity supply on the basis of the letter in Ref. No. DOR1/2001-02-53 Dt. 04.09.2004 issued by the 4th respondent as illegal, arbitrary and unconstitutional.

Counsel for the Petitioner: MR.K.CHIDAMBARAM

Counsel for the Respondents 1 to 3: GP FOR REVENUE
For R-4: GP FOR FORESTS, For R- 5: Smt. Vinobha Devi

The Court, at the admission stage, made the following:

ORDER:

A finding was recorded by the second respondent that on issuance of Pattadar passbooks and Title Deeds, petitioner added non-existing sub division i.e. Ac.13.20 guntas in Pattadar passbooks and title deeds, which resulted in cancelling the same. Learned counsel for the petitioner who took time to produce the Pattadar passbooks, now states that the said passbooks and title deeds were filed in the Civil Court where he obtained an injunction against the Forest Department based upon the said passbooks and titledeeds.

2. Whether such Survey Nos., are in existence or not cannot be decided by this Court. Learned counsel for the petitioner admitted that an appeal lies against the said order. In view of the same petitioner can file an appeal and urge all the grounds that such Survey Nos. are in existence which were added by the primary authority while issuing passbooks and on petitioner filing such appeal within two weeks from the date of receipt of a copy of this order, appellate authority shall consider the claim of the petitioner after giving due opportunity to the petitioner and pass appropriate orders thereon within a period of two months from the date of filing such appeal.

3. The writ petition is accordingly disposed of. No costs.

A. **GOPAL REDDY, J**

November 8, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The District Collector, W.G.District Eluru.
2 The Revenue Divisional Officer, Eluru, W.G.District.
3 The Mandal Revenue Officer, Lingapalem Mandal, W.G.District.
4 The District Forest Officer, W.G.District, Eluru.
5 Two C.C. s to the G.P for Revenue, High Court Buildings, Hyderabad (OUT)

6 Two C.C. s to the G.P. for Forests, High Court Buildings, Hyderabad (OUT)

7 Two C.D. Copies.